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16   UNITED STATES DISTRICT COURT

17   NORTHERN DISTRICT OF CALIFORNIA

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19
    ROBERT L. DARDEN,   Case No. CV-08-05191-CRB
20   AMENDED
                          Plaintiffs,   STIPULATION AND [PROPOSED] ORDER
21   TO CONTINUE INITIAL CASE
         vs.   MANAGEMENT CONFERENCE AND
22   RELATED DEADLINES
    USS-POSCO INDUSTRIES, a Delaware
23 corporation; MARIANE SMITH, a California
    resident; MICHAEL CONNALLY, a California
24 resident; and DOES 1-20,

25
                          Defendants.
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    STIPULATION AND [PROPOSED] ORDER TO CONTINUE   12376871.1
    INITIAL CASE MANAGEMENT CONFERENCE AND
    RELATED DEADLINES – CASE NO. CV-08-05191-CRB

1   Plaintiff Robert L. Darden and Defendants USS-Posco Industries, Mariane Smith, and

2 Michael Connally, by and through their respective counsel, hereby stipulate as follows:

3   1.   On January 29, 2009, after hearing on (i) Plaintiff's Motion to Remand and (ii)

4 Defendants' Motion to Dismiss Plaintiff's Second Cause of Action, the Court granted Defendants'

5 Motion to Dismiss with leave to amend and denied Plaintiff's Motion to Remand without prejudice.

6 The Court further ordered Plaintiff to submit an Amended Complaint, if any, within twenty (20) days.

7   2.   Plaintiff's counsel indicated that Plaintiff would likely file an Amended Complaint.

8 Should Plaintiff file an Amended Complaint, the parties anticipate further motion practice regarding

9 the sufficiency of Plaintiff's harassment claim against the California-resident Defendants Smith and

10 Connally and thus the Court's jurisdiction over this case.

11   3.   Pending the Court's final determination of whether it has jurisdiction over this case,

12 the parties hereby stipulate and respectfully request that the Court continue the Initial Case

13 Management Conference in this action, currently scheduled for February 20, 2009, and all related

14 deadlines, by approximately sixty (60) days, as follows:

EVENT	EXISTING DEADLINE	NEW DEADLINE
Last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan	January 30, 2009	April 3, ~~March 31~~, 2009
Last day to file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference	January 30, 2009	April 3, ~~March 31~~, 2009
Last Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	February 13, 2009	17 April ~~14~~, 2009
Initial Case Management Conference	February 20, 2009	24 April ~~21~~, 2009

26   4.   Continuing the above deadlines in this fashion will allow the parties to avoid the time

27 and expense of meeting federal initial disclosure and case management obligations until they are

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**STIPULATION AND [PROPOSED] ORDER TO CONTINUE
INITIAL CASE MANAGEMENT CONFERENCE AND
RELATED DEADLINES – CASE NO. CV-08-05191-CRB**

12376871.1

1 certain that the case will remain in federal court. Further, neither the parties nor the Court will be

2 prejudiced by such a continuance.

3 IT IS SO STIPULATED.

4

5 DATED: January 29, 2009   Respectfully submitted,

6   NIXON PEABODY LLP

7

8   By: /s/ *Matthew J. Frankel*
                                                   JOSHUA M. HENDERSON
9   MATTHEW J. FRANKEL
                                                   Attorneys for Defendants
10   USS-POSCO INDUSTRIES, MARIANE
                                                   SMITH, and MICHAEL CONNALLY
11

12

13 DATED: January 29, 2009   Respectfully submitted,

                                               THE VENARDI ELAM FIRM, LLP
14

15

16   By: /s/ *H. Larry Elam*
                                                   H. LARRY ELAM III
17   Attorneys for Plaintiff
                                                   ROBERT L. DARDEN
18

19 IT IS SO ORDERED.

20 Dated: __February 2, 2009_____   By:_____\

21   CHARLES R. BREYER
                                                    United States District Judge
22

23   IT IS SO ORDERED

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**STIPULATION AND [PROPOSED] ORDER TO CONTINUE
INITIAL CASE MANAGEMENT CONFERENCE AND
RELATED DEADLINES – CASE NO. CV-08-05191-CRB**   12376871.1